

Senate Bill 284

By: Senators Thompson of the 5th, Harp of the 29th, Adelman of the 42nd, Reed of the 35th
and Wiles of the 37th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions in administrative proceedings, so as to provide for the award of attorney's fees under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions in administrative proceedings, is amended by adding a new Code section to read as follows:

"50-13-24.

(a) An administrative law judge may award the prevailing party reasonable attorney's fees and expenses of litigation in an initial or final decision in a contested case; provided, however, that a respondent may be awarded reasonable attorney's fees and expenses of litigation only upon a showing that the action was frivolous, unreasonable, or without foundation or if any part of the action was interposed for delay or harassment.

(b) If, upon judicial review of any final decision in a contested case issued pursuant to this chapter, the court rules in favor of the petitioner, then the court may in its discretion render an award of reasonable attorney's fees and expenses of litigation to the petitioner; provided, however, that a prevailing respondent may be awarded reasonable attorney's fees and expenses of litigation only upon a showing that the appeal was frivolous, unreasonable, or without foundation or if any part of the appeal was interposed for delay or harassment.

(c) Attorney's fees and expenses of litigation to be awarded under this Code section may be requested by motion."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.